



Award No. 16803
Docket No. CL-16603

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Bernard E. Perelson, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

NORFOLK AND WESTERN RAILWAY COMPANY
**(Involving employees on lines formerly operated by
the Wabash Railroad Company)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6107) that:

(1) Carrier violated the rules of the Clerks' Agreement when it failed or refused to properly compensate Miss Margaret M. Sallee, Steno-Clerk, at Branch Street Yards, Saint Louis -- East St. Louis Terminal, St. Louis, Missouri for work performed on Saturday, December 25, 1965, Christmas Day, a regular assigned rest day which was also a legal holiday.

(2) Carrier shall now be required to compensate Miss Sallee, Steno-Clerk, for eight (8) additional hours at the time and one-half rate of her position in addition to the amount already received.

EMPLOYEES' STATEMENT OF FACTS: The claimant Miss Sallee is regularly assigned to the position of Steno-Clerk, Branch Street Yards, Saint Louis-East St. Louis Terminal, St. Louis, Missouri, with a work week Monday through Friday with Saturday and Sunday the assigned rest days. Her seniority date is June 13, 1942.

Miss Sallee in her work preceding the holiday, Saturday, December 25, 1965, had worked the five days of her work week and was required or permitted by the Carrier to perform work on her assignment on Saturday, December 25, 1965, her rest day also a holiday, and was compensated under the rest day rule for eight (8) hours at the rate of time and one-half. Miss Sallee filed time slip form 120 claiming eight (8) hours at punitive rate in addition to other allowances for working Christmas, December 25, 1965.

The claim was filed by Miss Sallee on December 25, 1965 and was declined by Trainmaster Mr. K. C. Shumate on January 5, 1966, file 248-5.

The claim was then appealed by the Local Chairman Mr. J. J. Yoffie to the next highest officer Superintendent Mr. G. P. Hill on January 8, 1966 and was declined by Mr. Hill on February 2, 1966, file 248-5.

formed on December 25, 1965, irrespective of the fact that such day was both her rest day and holiday and the claim presented on her behalf for eight (8) hours at time and one-half rate in addition to eight (8) hours at time and one-half rate previously allowed for the work she performed on that date, is, therefore, declined."

A copy of the exchange of correspondence between the representatives of the parties in connection with the alleged dispute described in the Employees' ex parte Statement of Claim is attached hereto and made a part hereof, marked Carrier's Exhibit A.

(Exhibits not reproduced.)

OPINION OF BOARD: The Claimant, in this dispute, worked on her rest day which was also a holiday, Christmas Day. She was paid time and one-half for working on her rest day. The Claim is for additional pay at time and one-half for having worked on the holiday.

The issue involved in this dispute is the same as those involved in several awards of this Board. For the reasons stated in those awards, we find that the Agreement was violated. We will sustain the Claim.

See Awards Nos. 10541, 10679, 11454, 12453, 12471, 14171, 14138, 14489, 14528, 14977, 14978, 15000, 15052, 15450, 15398, 15440, 15764, 15875, 15892, 16101 and 16153.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of November 1968.

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